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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/099,827	03/14/2002	Pankaj K. Garg	10014918-1	2671

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EXAMINER	
VU, THONG H	
ART UNIT	PAPER NUMBER
2142	

DATE MAILED: 08/14/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/099,827	Applicant(s) GARG ET AL.	
	Examiner Thong H. Vu	Art Unit 2142	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 July 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 and 8-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6, 8-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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1. Claims 1-6,8-20 are pending. Claim 7 is canceled.

Response to Arguments

2. Applicant's arguments with respect to claims 1-20 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-6,9-11 are rejected under 35 U.S.C. 102(e) as being anticipated by O'Toole, Jr. et al [O'Toole 6,279,112 B1].

3. As per claim 1, O'Toole discloses A method of tracking hits for a network file comprising the step of :

receiving a request for said network file from a requesting device [O'Toole, client computer requests the profile, col 9 line 55-col 10 line 38];

sending said network file to said requesting device in response to said request, said network file including an instruction to transmit an indicator subsequent to said requesting device receiving said network file, said instructions is transparent to an end-user at said requesting device [O'Toole, an applet or instructions record activity on the

transparent embedded image, including metering log such as the number and location, col 12 lines 7-17];

transmitting said indicator from said requesting device in response to receiving said network; processing said indicator to track said hits for said network file [O'Toole, transmitting the metering log to server, col 12 lines 18-38].

4. As per claim 2, O'Toole discloses receiving said request includes receiving said request over the global communications network referred to as the Internet [O'Toole, Internet service provider, col 6 line 13].

5. As per claim 3, O'Toole discloses a step of including a network address of said requested network file within said indicator, so that said indicator can be identified as corresponding to said requested network file [O'Toole, number and location of click, col 12 lines 7-17].

6. As per claim 4, O'Toole discloses a step of including a network address of a remote processor within said instruction for navigating said indicator from said requesting device over a network to said remote processor, so that said indicator can be processed file [O'Toole, navigating among documents, col 11 lines 35-45].

7. As per claim 5, O'Toole discloses a step of executing said instruction to transmit said indicator by an end-user browser at said requesting device [O'Toole, applet, col 12

lines 7-17].

8. As per claim 6, O'Toole discloses a step of generating said request for said network file at said requesting device [O'Toole, catalog, col 9 lines 55-65].

9. As per claim 7, O'Toole discloses a step of embedding said instruction within said network file, such that said instruction is transparent to an end-user at said requesting device [O'Toole, embedded and transparent, col 12 lines 7-17].

10. As per claim 9, O'Toole discloses receiving said request for said network file includes receiving said request at a proxy (i.e.: gateway, filter), said proxy having cache memory to service said request when said cache memory includes a cached copy of said requested network file, said cached copy having said instruction for transmitting said indicator from said requesting device subsequent to said requesting device receiving said cached copy [O'Toole, gateway, filter, col 6 lines 7-15].

11. As per claim 10, O'Toole discloses a step of providing said instruction as programming that is compatible with JavaScript [O'Toole, applet, col 12 lines 7-17].

12. As per claim 11, O'Toole discloses a step of providing said network file to include at least one of text information, image information, audio information and video information [O'Toole, audiovisual, col 7 lines 1-12].

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-6,9-11 are rejected under 35 U.S.C. 103(a) as obvious over.

13. As per claim 12, O'Toole discloses A method of counting a number of accesses for cachable documents [O'Toole, metering of a user's access, the documents in a cache, col 3 lines 10-30] comprising the steps of:

embedding executable code in each of a plurality of said cachable documents, said executable code including an instructions triggering transmissions of count-inducing messages from client devices [O'Tools, a document containing an embedded digital coupon or executable program, col 6 lines 32-67];

sending said cachable documents to said client devices in response to requests for said cachable document received from any one of a plurality of said client devices [O'Toole, client-server, Fig 1-2];

receiving said count-inducing messages transmitted from said client devices as responses to execution of said executable code upon reception of said cachable documents [O'Toole, counting the number of times client computer accesses certain information, col 11 lines 1-8, Fig 7];

However Abdelhadi-Shrader does not detail updating a tally such as

"counting said accesses on a basis of receiving said count-inducing messages said counting thereby **updating a tally** said accesses by said plurality of client devices".

It was well-known in the database art that the hit-tracking process could provide the updating a tally as taught by Duke [Duke, col 9 line 39-col 10 line 3] or Bayer [updating said tally data for the country of the voter of each network client, col 31 lines 19-59]

Therefore it would have been obvious to an ordinary skill in the art at the time the invention was made to incorporate the updating a tally as taught by Duke into the O'Toole's apparatus in order to utilize the hit tracking or counting process. Doing so would prevent exposures to loss of orientation while maintaining high data integrity.

14. As per claim 13, O'Toole-Duke disclose receiving said count-inducing messages includes receiving one of said count-inducing messages for each said cachable document received by said client devices [O'Toole, metering log, col 11 lines 1-8, Fig 7].

15. As per claim 14, O'Toole-Duke disclose a step of storing said cachable documents in Web proxies, said Web proxies being in communication with said client devices and at least one originating server via the Internet, said Web proxies being configured to store said cachable documents that are downloaded from said originating server [O'Toole, gateway, filter, col 6 lines 7-15].

16. As per claim 15, O'Toole-Duke disclose a step of implementing said executable code by browser software of said client devices, such that said count-inducing messages are transmitted from said client devices [O'Toole, browser, col 11 lines 9-33].

17. As per claim 16, O'Toole-Duke disclose a step of providing a Universal Resource Locator (URL) of a processor in said executable code to enable transmitting of said count-inducing messages from said browser software to said processor, said processor being operationally associated with said originating server [O'Toole, embed in email message, col 6 lines 32-39].

18. As per claim 17 contains the similar limitations set forth in claim 12. Therefore claim 17 is rejected for the same rationale set forth in claim 12.

19. As per claim 18, O'Toole-Duke disclose said command includes programmable code embedded within each said network file, said programmable code being configured to execute said transmissions of said identifiers upon said receipt of said network files by said client devices [O'Toole, OLE object, Active X applet, col 6 lines 32-39].

20. As per claim 19, O'Toole-Duke disclose said programmable code includes an Internet address of said file access counter, said network files including World Wide

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Web pages [O'Toole, number and location of click, col 12 liens 7-17].

21. As per claim 20, O'Toole-Duke disclose said network files include cached copies of Internet files, said store of network files being a proxy Web server [O'Toole, gateway, filter, col 6 lines 7-15].

22. As per claim 8, O'Toole discloses processing said indicator includes counting said indicator for updating a tally of said hits for said network file [Duke, the updating a tally , col 9 line 39-col 10 line 3].

Any inquiry concerning this communication or earlier communications from the examiner should be directed to examiner *Thong Vu*, whose telephone number is (571)-272-3904. The examiner can normally be reached on Monday-Thursday from 6:0AM- 330PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, *Andrew Caldwell*, can be reached at (571) 272-3868. The fax number for the organization where this application or proceeding is assigned is 571-273-8300

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval IPAIRI system. Status information for published applications may be obtained from either Private PMR or Public PMR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Thong Vu
Primary Examiner
Art Unit 2142

